IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 19401 of 2002

Between:

Smt.C.S.Rama Devi,

W/o K.Sivarama Prasad Reddy,

Aged about 40 years, occ.Junior Assistant,

Junior Civil Judge's Court,

Hindupur, Ananthapur District.

..... PETITIONER

AND

1. The District and Sessions Judge,

Ananthapur, Ananthapur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus, directing the respondent to regularize the petitioner services with effect from 14.8.1986 on which date the petitioner was promoted temporarily as Junior

Assistant and set aside the order Dis.No.620 dated 25.1.1995 insofar as it relates to the petitioner.

Counsel for the Petitioner: MR.P.RAVI SANKAR

Counsel for the Respondent: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following :

ORAL ORDER: (Per the Hon'ble the Chief Justice)

The petitioner was appointed as Examiner in the Ananthapur District judiciary and she joined duty on 28.4.1993. Her services were also regularized from the date of her joining duty. By proceedings dated 14.8.1986 she was promoted temporarily as Junior Assistant and she joined duty on 23.8.1986 as Junior Assistant. On 25.1.1995 orders were passed by the respondent regularizing her services as Junior Assistant with effect from 3.7.1993. Feeling aggrieved, the petitioner started making representations, last of which was made on 9.8.2000 claiming that she ought to have been regularized as Junior Assistant with effect from the date of her joining the said post viz., from 23.8.1986 and not from any subsequent date. The writ petition is opposed by the respondent on the ground that the services of the petitioner are governed by the A.P Judicial Ministerial Service Rules and as per Rule 9(2) of the Rules, vacancies in category 5 of Division IV are required to be filled by direct recruitment and promotions in the ratio of 3:1. It is the A.P.Public Service Commission which would allot candidates based upon the estimate of vacancies sent by the District Judge. Though the vacancies were sent to the A.P.Public Service Commission by the District Judge, allotment was not made as per requirement. However, in view of the administrative exigencies, promotions were made on temporary basis, which later on were being regularized by strictly following the ratio of 3:1. It was only in the year 1999 i.e. after a lapse of 9 years that the allotment of candidates was made by the A.P.Service Commission and thus the

regularization process was commenced. There was no vacancy for the petitioner till 2.7.1993 and therefore the petitioner's services were regularized with effect from 3.7.1993 only.

In view of the counter affidavit, there is hardly any scope to issue any direction as prayed for by the petitioner since the services of the petitioner were rightly regularized on the date the post became available. A direction cannot be issued for regularizing the services of the petitioner prior to that date since there was no post available for the petitioner. The writ petition is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Dated 16.02.2005

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B.SESHASAYANA REDDY,J

msv

To

1. The District and Sessions Judge,

Ananthapur, Ananthapur District.

2. 2 CD copies.